

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Vem Miller,

Plaintiff,

vs.

County of Riverside, *et al.*,

Defendants.

**2:24-cv-01920-RFB-MDC**

**ORDER DECLINING TO SCREEN**

Pending before the Court is plaintiff's Complaint (ECF No. 1). Pursuant to the Prison Litigation Reformation Act ("PLRA"), "[t]he shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." 28 U.S.C. § 1915A(a).

Plaintiff was arrested on October 12, 2024, but was released on the same day<sup>1</sup>. Pursuant to the PLRA, a prisoner is defined as "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program." 28 U.S.C. § 1915A(c). Plaintiff filed his Complaint on October 15, 2024, and paid the filing fee in full. Thus, at the time of filing, plaintiff was neither a prisoner under the PLRA, nor a pauperis applicant. As such, this case will proceed onto the normal litigation track and will not be screened. *See generally* 28 U.S.C. § 1915A (the plaintiff is no longer a prisoner within the meaning of the Prison Litigation Reform Act); *see Olivas v. Nevada ex rel. Dep't of Corr.*, 856 F.3d 1281, 1282 (9th Cir. 2017) (holding that "28 U.S.C. § 1915A applies only to claims brought by individuals incarcerated at the time they file their complaints").

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<sup>1</sup> Plaintiff was arrested on October 12, 2024, at approximately 17:00hrs. He was booked on the same day at approximately 20:44hrs. Plaintiff was released the same day and is no longer in custody. <https://jimspub.riversidesheriff.org/cgi-bin/iisinfo.acu?bkno=202445251G>

1 ACCORDINGLY,

2 **IT IS ORDERED that** that this case is not subject to screening and will proceed onto the  
3 normal litigation track pursuant to the Federal Rules of Civil Procedure.

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5 DATED this 4<sup>th</sup> day of November 2024.

6 IT IS SO ORDERED.

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Hon. Maximiliano D. Couvillier III  
United States Magistrate Judge